

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

EARNEST LEE WALKER, #187 017

*

Plaintiff,

*

v.

* CIVIL ACTION NO. 2:05-CV-1116-T

COMMISSIONER OF ALABAMA
DEPARTMENT OF PUBLIC SAFETY, *et al.*,

*

*

Defendants.

ORDER

Pending before the court is Plaintiff's request for preliminary injunctive relief. (Doc. No. 2) He asserts that he has been notified by Alabama Department of Corrections' officials that the Director of Public Safety has determined that a 1995 misdemeanor sex offense conviction entered against him by the State of California is subject to the Alabama Community Notification Act. *See* Ala. Code § 15-20-20, *et seq.* (1975). Plaintiff maintains that notifying the community of his status as a sex offender without an opportunity to be heard violates his due process rights and will subject him to irreparable harm. Plaintiff further asserts that he meets the ripeness requirement of Article III because a credible threat of imminent injury exists due to his scheduled release date from the custody of the Department of Corrections ("ADOC") on December 12, 2005.

Given the fact that Plaintiff is due to be released from ADOC custody within less than three weeks, the undersigned will require the General Counsel for the Alabama

Department of Corrections to respond to Plaintiff's request for preliminary injunctive relief. The court is aware that counsel has not yet entered an appearance on behalf of the named Defendants, and does not infer a waiver of service as to any Defendant simply because counsel is ordered to respond as set forth herein.

Accordingly, it is ORDERED that on or before December 2, 2005 the General Counsel for the Alabama Department of Corrections shall SHOW CAUSE why this court should not order preliminary injunctive relief in response to Plaintiff's claim.

The Clerk of Court shall SEND a copy of this order to Plaintiff and a copy of this order, the complaint, and the request for preliminary injunctive relief to the General Counsel for the Alabama Department of Corrections.

Done this 23rd day of November 2005.

/s/ Vanzetta Penn McPherson
VANZETTA PENN MCPHERSON
UNITED STATES MAGISTRATE JUDGE